

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AKF, INC., d/b/a FUNDKITE,

Plaintiff,

-against-

KESSMAN GROUP PAINTING &  
DESIGN, INC., MARGARET LAURIE  
KESSMAN, AND MATTHEW  
THOMAS KESSMAN,

Defendants.  
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**MEMORANDUM AND ORDER**

Case No. 1:19-06312-FB

Appearances:

*For the Plaintiff:*

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*For the Defendant:*

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Parness Law Firm, PLLC  
136 Madison Avenue, 6<sup>th</sup> Floor  
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Law Offices of Steven Zakharyayev  
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**BLOCK, Senior District Judge:**

Plaintiff AKF, Inc., d/b/a Fundkite moves for an order confirming the October 28, 2021 arbitration award of Martin S. Tackel, and for the entry of judgment against defendants Kessman Group Painting & Designs, Inc., Margaret Laurie Kessman,

and Matthew Kessman. The defendants have not filed any opposition to the motion.

“[T]he confirmation of an arbitration award is a summary proceeding that merely makes what is already a final arbitration award a judgment of the court.” *Florasynth, Inc. v. Pickholz*, 750 F.2d 171, 176 (2d Cir.1984). Unless there is a statutory basis for modification or vacatur, this Court’s role is simply to confirm the award. *Ottley v. Schwartzberg*, 819 F.2d 373, 376 (2d Cir. 1987); *see* 9 U.S.C. § 9. Only a “barely colorable justification” for the outcome is necessary to confirm an award, and that justification need not be explicitly noted on the record—it can instead be inferred. *Smiga v. Dean Witter Reynolds, Inc.*, 766 F.2d 698, 707 (2d Cir. 1985). Where, as here, a party has failed to answer a motion, the Court may look to the movant’s submissions in supporting confirmation. *Trustees of Northeast Carpenters Health, Pension, Annuity, Apprenticeship, & Lab. Mgmt. Cooperation Funds v. Duncan Partners, LLC*, No. 19CV4376JMAAYS, 2021 WL 123359, at \*2 (E.D.N.Y. Jan. 13, 2021).

Based on its review of the plaintiff’s declaration and the documentary evidence attached to its motion, this Court finds that the plaintiff has established the award as follows: (1) \$189,804.70, plus *per annum* interest of 9% accruing since Nov. 4, 2019; (2) \$56,941 in attorneys’ fees; and \$14,150 in fees and costs of the arbitrator. Each of these obligations shall be joint and several. Judgment shall be

entered against the defendants.

**SO ORDERED.**

/S/ Frederic Block

FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
June 22, 2022